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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,085	07/11/2003	William Scott Whiting	67799-001	4680

25203 7590 07/23/2004

NATIONAL IP RIGHTS CENTER, LLC
SCOTT J. FIELDS, ESQ.
550 TOWNSHIP LINE ROAD
SUITE 400
BLUE BELL, PA 19422

EXAMINER	
GRAVINI, STEPHEN MICHAEL	
ART UNIT	**PAPER NUMBER**
3749	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/619,085	WHITING, WILLIAM SCOTT	
	Examiner	Art Unit	
	Stephen Gravini	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Blanc et al. (US 4,200,993). Blanc et al. is considered to disclose the claimed footwear organizer comprising:

a case having an exterior portion **3** and an inner chamber **4**;

at least one conduit **9**, having an open end, situated in the case, said case supporting an article of footwear thereon, wherein the open end of the at least one conduit is in gaseous communication with the inner chamber of the hollow case; and

a sanitizer **7** disposed within the inner chamber of the hollow case for release into the article of footwear through the open end of the at least one conduit. Blanc is also considered to disclose the claimed removable floor stand **2** wherein the disclosed rollers is considered to anticipate the claimed removable floor stand because disclosed device can be removable about a floor stand, ozone (column 3 line 51), an inlet on the exterior portion of the case **9**, a compressor **6**, a chamber sanitizer generator **7** which may be internal or external, and a plurality of conduits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blanc in view of Poulos (US 5,179,790). Blanc is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed rheostat. Poulos is considered to teach the claimed rheostat at column 2 lines 56-63. It would have been obvious to one skilled in the art to combine the teachings of Blanc with the considered disclosed rheostat, as taught in Poulos for the purpose of regulating an airflow to footwear articles.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blanc in view of Dhaemers (US 5,546,678). Blanc is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed timer. Dhaemers is considered to teach the claimed timer at column 5 lines 63-64. It

would have been obvious to one skilled in the art to combine the teachings of Blanc with the considered disclosed timer, as taught in Dhaemers for the purpose of limiting time for an airflow to footwear articles

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blanc in view of Crooks (WO 96/26405). Blanc is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed flexible tube. Crooks is considered to teach the claimed flexible tube at page 4 lines 19-21. It would have been obvious to one skilled in the art to combine the teachings of Blanc with the considered disclosed flexible tube, as taught in Crooks for the purpose of allowing for an adjustable airflow to variously sized and shaped footwear articles.

Claims 12-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanc in view of Dhaemers and Poulos. Blanc is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed timer with a button for operation thereof. Dhaemers is considered to teach the claimed timer, as discussed in the obviousness rejection above, and a switch at column 5 line 59, which is considered patentably equivalent to the claimed button, because provide an operational condition for the claimed and disclosed dryer. Also Blanc is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed rheostat. Poulos is considered to teach the claimed rheostat, as discussed in the obviousness rejection above. Furthermore, the

independently claimed programmable timer/processor feature is considered to be implied by the Dhaemers reference, because one skilled in the art would use the claimed programmable timer/processor feature to limit a time for drying footwear articles. Finally it would have been obvious to one skilled in the art to combine the teachings of Blanc with the teachings of Dhaemers and Poulos for the purpose of providing time limited and regulated airflow to footwear articles.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanc in view of Dhaemers and Poulos in further view of Dawson (US 5,666,743). Blanc in view of Dhaemers and Poulos is considered to disclose the claimed invention, as discussed above in the obviousness rejection, except for the claimed timer regulated airflow for activating a valve at the same or different times. Dawson is considered to disclose the claimed timer regulated airflow for activating a valve at the same or different times at column 7 lines 29-64 because the disclosed fan control in fluid contact with a deodorizer is considered functionally equivalent to the claimed time valve control flow regulation feature because both perform substantially the same function, using substantially the same means, with substantially the same result.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References A, B, C, and N are considered to also disclose the

claimed invention, especially variations of the claimed valve feature which may be used to regulate sanitizer flow into a dryer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 703 308 7570. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 703 308 1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smg

Stephen M Gravini

July 20, 2004